

ATTORNEY OF PARTY WITHOUT ATTORNEY (Name and Address)	Telephone Number	FOR COURT USE ONLY
ATTORNEY FOR (Name):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA 800 SOUTH VICTORIA AVE. VENTURA, CA 93009 3855 – F ALAMO ST. SIMI VALLEY, CA 93063-2110		
PLAINTIFF/PETITIONER DEFENDANT/RESPONDENT		
<b>EXPARTE APPLICATION FOR SERVICE BY POSTING AND ORDER THEREON (CCP 413.30)</b>		CASE NUMBER:

## APPLICATION

Petitioner hereby applies ex-parte for an order pursuant to Section 413.30 of the Code of Civil Procedure directing that the SUMMONS and PETITION in the above entitled action be served on the Respondent (1) by mailing said documents to Respondent's last known address and (2) by posting said documents along with this Application at the location shown on the Order on page 2.

## DECLARATION

I, the Petitioner in the above-entitled case, declare that the following facts are true (check all that apply):

1. I have a valid Order for Waiver of Fees and Costs on file in this case.
2. I am unable to afford the cost of publication of the SUMMONS.
3. I have been unable to locate the Respondent after using reasonable diligence by conducting the following investigations:
  - a. I went to Respondent's last known address and she/he no longer lives there. No one at that address knows his/her whereabouts.
  - b. I examined the telephone directories of Ventura County and no listing was found for Respondent.
  - c. I examined the records of the Ventura County Tax Assessor and Respondent is not listed as a property owner.
  - d. I have spoken to Respondent's friends and none of them know where she/he lives.
  - e. Other efforts (specify):
4. The last time I saw Respondent was (date and location): \_\_\_\_\_
5. The last known address of Respondent is: (street address): \_\_\_\_\_  
(City, State and zip code): \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner

## MEMORANDUM OF POINTS AND AUTHORITIES

The court may direct that a summons be served in any manner which is reasonably calculated to give actual notice to the other party.

Section 413.30 of the Code of Civil Procedure provides: "Where no provision is made in this chapter or other law for the service of summons, the court in which the action is pending may direct that the summons be served in a manner which is reasonably calculated to give actual notice to the party served and that proof of such service be made as prescribed by the court."

*Cohen v Board of Supervisors for the County of Alameda* (1971) 20 Cal. App 3d 235, held that indigents in marital cases were entitled to access to courts by waiver of costs and also to provision for service of process. In *Cohen*, plaintiffs lacked funds to pay for service by publication, which was required because their spouses could not be found for personal service. The court, following *Boddie v. Connecticut* (1971) 401 U.S. 371 at 382, stated that service by mail at the party's last known address and posted notice "is equally effective as publication in a newspaper". The court's finding relied on section 413.30 of the Code of Civil Procedure because law makes no provision if publication is practically impossible.

In the present case, Petitioner is indigent and has been unable to locate Respondent in order to effect personal service.

### ORDER

GOOD CAUSE APPEARING, it is hereby ordered that a copy of the Summons and Petition/Complaint in this action be deposited in the United States Post Office, pre-paid, addressed to Respondent/Defendant at his/her last known address and that a copy of the Summons and Petition/Complaint be posted at:

Hall of Justice, 800 South Victoria Avenue, Ventura, California

East County Courthouse, 3855-F Alamo Street, Simi Valley, California

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER

### CLERK'S PROOF OF SERVICE OF SUMMONS AND PETITION BY POSTING AND MAILING (CCP 413.30)

I, the undersigned, declare:

1. I am an employee of the Superior Court of California, County of Ventura, and not a party to this action.
2. The Court ordered service of the SUMMONS and PETITION herein by posting under the provisions of Section 413.30 of the Code of Civil Procedure as shown on page one of this document.
3. On \_\_\_\_\_, I personally posted the SUMMONS and PETITION in a conspicuous place at:

Hall of Justice, 800 South Victoria Avenue, Ventura, California

East County Courthouse, 3855-F Alamo Street, Simi Valley, California

4. I deposited a copy of the SUMMONS and PETITION in the United States Post Office, with postage pre-paid, addressed to Respondent at his/her last known address at (place) \_\_\_\_\_, California on (date) \_\_\_\_\_.
5. I declare under penalty of perjury that the foregoing is true.

Michael D. Planet, Executive Officer and Clerk

Date: \_\_\_\_\_

By: \_\_\_\_\_